



FORT SILL LEGAL ASSISTANCE

INVOLUNTARY ALLOTMENTS AND GARNISHMENTS



INVOLUNTARY ALLOTMENTS

Involuntary allotments only apply to Soldiers. Civilian employees and retirees cannot be assessed an involuntary allotment. Involuntary allotments are frequently imposed for child support obligations and debt.

For Commercial Credit Obligations:

In order to obtain an involuntary allotment against a Soldier, creditors must first obtain a final judgment from a court of competent jurisdiction. The party must next file an allotment application with DFAS and include a certified copy of the court order and a certificate stating that the creditor complied with the Servicemembers Civil Relief Act. DFAS will review the application then forward it to the Soldier and unit commander.

For Support Obligations:

Involuntary allotments for child support, or child support coupled with alimony, take precedence over those other creditors. Involuntary allotments are not available for spousal support alone. The party requesting an involuntary allotment must file an application with DFAS, which must be accompanied by a certified copy of the underlying support order or divorce decree. DFAS will review the application and forward it to the Soldier and unit commander.

The Soldier's Options:

After the command counsels the Soldier on the obligation to satisfy just debts, the Soldier has 30 days to respond to the involuntary allotment application. The Soldier should make an appointment with the Legal Assistance Office for assistance in responding.

The Soldier's options include:

1. Consent to the allotment.
2. Contest the allotment on any of the following applicable grounds:
 - The allotment does not comply with the Servicemembers Civil Relief Act which is usually not available for child support obligations;
 - The creditor's application is false;
 - The debt or judgment has already been satisfied or set aside;
 - Bankruptcy prevents the allotment;

- Emergency or mission essential duty as decided by the commander prevented the Soldier from appearing at the court proceeding resulting in the judgment, or prevents the Soldier from responding to the application for involuntary allotment.

GARNISHMENTS:

Garnishment generally applies to civilian employees only, not to Soldiers or retirees. However, Soldier and retiree wages may be garnished for purposes of spousal or child support. A garnishment order from a court of competent jurisdiction must be served on DFAS. DFAS will honor garnishment orders which appear valid on their face; however, DFAS will consider a debtor's defenses. Soldiers are encouraged to seek legal counsel for assistance in contesting garnishments.

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If you have questions concerning the information in this fact sheet, please call the Legal Assistance Office (580) 442-5058 or (580) 442-5059. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Sill Legal Assistance Office is located on the 4th floor of Building 4700, Hartell Hall on Mow-Way Road.